

REMARKS

In the Office Action¹, the Examiner objected to the specification because of informalities; objected to claims 1-17 and 25-39 because of informalities; rejected claims 1-8, 14-16, 25-32, and 37 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 25, 26, 30, and 33-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,751,708 to Eng et al. ("*Eng*"); rejected claims 1, 2, 5-14, 31, 32, and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of U.S. Patent No. 5,764,899 to Eggleston et al. ("*Eggleston*"); rejected claims 3, 4, and 15 under U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Eggleston* further in view of U.S. Patent No. 5,493,695 to Aitkenheadi et al. ("*Aitkenheadi*"); rejected claims 27, 28, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi*; rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi* further in view of *Eggleston*; and rejected claims 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of U.S. Patent No. 5,465,392 to Baptist et al. ("*Baptist*"). The Examiner indicated allowable subject matter in claims 16 and 17 if they are rewritten in independent form.

By this Amendment, Applicants cancel dependent claims 2, 10, 26, and 34, and incorporate subject matter from those claims into independent claims 1, 9, 25, and 33.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Regarding the Examiner's objection to the specification, Applicants have amended the specification to address the informalities raised by the Examiner. Applicants therefore respectfully request that the Examiner withdraw this objection.

Regarding the Examiner's objection to claims 1-17 and 25-39, Applicants have amended these claims to address the informalities raised by the Examiner. Applicants therefore respectfully request that the Examiner withdraw this objection.

Regarding the rejection of claims 1-8, 14-16, 25-32, and 37 under 35 U.S.C. § 112, second paragraph, Applicants have amended these claims to address the Examiner's concerns. Applicants therefore respectfully request that the Examiner reconsider and withdraw this rejection.

Applicants respectfully traverse the rejection of claims 25, 26, 30, and 33-35 under 35 U.S.C. § 102(e) as being anticipated by *Eng* because *Eng* fails to teach or suggest each and every element of Applicants' claims. Amended independent claim 25, for example, recites an information distribution method wherein "the request signal includes time limit information indicating a time limit of distribution of the information."

The Examiner argues that *Eng* discloses the claimed request signal at col. 5, lines 21-28. See Office Action, page 5. However, the cited portion of *Eng* discloses, "an end-user that has received transmission permission from communications controller/scheduler . . . is allowed to transmit its information packet . . . during time slot k." See *Eng*, col. 5, lines 21-26. According to *Eng*, the time slot allocation is managed by the communications controller/scheduler. This disclosure cannot be a teaching or a suggestion of the request signal of claim 25, wherein the time limit for distribution is generated by the terminal apparatus. According to claim 25, the server apparatus

schedules the distribution time based, in part, on the time limit for distribution generated by the terminal apparatus. *Eng* has no mention of a time limit set by the end-user which is then a basis for the communication time slot set by the communications controller/scheduler. Therefore, *Eng* does not teach or suggest “the request signal includes time limit information indicating a time limit of distribution of the information,” as recited in claim 25. For at least these reasons, *Eng* fails to anticipate the information distribution method of claim 25.

Furthermore, amended independent claim 33, although different in scope from claim 25, recites a data reception method comprising “generating a request signal requesting the distribution of the information, the request signal comprising time limit information indicating a time limit for distribution of the information.” *Eng* therefore also fails to anticipate claim 33.

In addition, dependent claims 30 and 35 are also allowable over *Eng* at least by virtue of their dependence from allowable base claims 25 and 33. Because *Eng* fails to anticipate claims 25, 30, 33, and 35, and claims 26 and 34 have been canceled, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Applicants respectfully traverse the rejection of claims 1, 2, 5-14, 31, 32, and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Eggleston*. A *prima facie* case of obviousness has not been established. Independent claims 1 and 9, although different in scope from independent claims 25 and 33, each recite features similar to those of claims 25 and 33. For example, the information distribution system of claim 1 recites, “the request signal comprises time limit information indicating a time

limit for distribution of the information.” *Eng*, however, fails to teach or suggest the request signal of claims 1 and 9.

Furthermore, *Eggleston* fails to cure the deficiencies of *Eng* because *Eggleston* fails to teach or suggest the claimed request signal.

Accordingly, *Eng* and *Eggleston*, either taken alone or in any reasonable combination, fail to teach or suggest each and every element of independent claims 1 and 9, as well as independent claims 25 and 33. In addition, dependent claims 5-8, 11-14, 31, 32, and 36 are also allowable over the cited references at least by virtue of their dependence from allowable base claims 1, 9, 25, and 33. Therefore, no *prima facie* case of obviousness has been established. Applicants thus respectfully request the Examiner to reconsider and withdraw this rejection.

Applicants respectfully traverse the rejection of claims 3, 4, and 15 under U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Eggleston* further in view of *Aitkenheadi*; the rejection of claims 27, 28, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi*; the rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi* further in view of *Eggleston*; and the rejection of claims 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Baptist*. *Prima facie* cases of obviousness have not been established with respect to all of these rejections. These claims depend from independent claims 1, 9, 25, or 33, and *Aitkenheadi* and *Baptist* fail to cure the deficiencies of *Eng* and *Eggleston* described above. Accordingly, the cited references do not teach or suggest each and every element of the rejected claims, and, therefore,

prima facie cases of obviousness have not been established. Applicants thus respectfully request that the Examiner reconsider and withdraw all of these rejections.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Michael R. Kelly
Reg. No. 33,921